

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, et al., :

Plaintiffs, :

-v.- :

MICHAEL FORDE, et al., :

Defendants. :

-----X
GABRIEL W. GORENSTEIN, United States Magistrate Judge

Defendant Michael Brennan has filed a third motion seeking an extension of time to respond to the complaint. The motion (Docket # 89) is dated March 16, 2012 but was not filed until April 13, 2012. Mr. Brennan's reason for seeking an extension of time is that he has not obtained certain documents from the plaintiffs, which he refers to as "Source Documents."

The Federal Rules of Civil Procedure do not contemplate that discovery will occur before the filing of an answer. Instead, it allows a defendant who does not have sufficient information to address a particular allegation in a complaint to state that he "lacks knowledge or information sufficient to form a belief about the truth of an allegation" in the complaint. Fed. R. Civ. P. 8(b)(5). The effect of such a statement is the same as a denial. Id. Accordingly, there is no prejudice to a defendant in answering a complaint even if the defendant lacks information regarding its allegations.

Accordingly, the request for a 60-day extension (Docket # 89) is denied. The Court will grant an extension until May 7, 2012 to respond to the complaint. No further extensions will be granted. Defendant is warned that if he fails to file an answer or otherwise respond to the complaint as permitted by the Federal Rules of Civil Procedure by this deadline, a default judgment may be entered against him.

Finally, the Court notes that the Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York ((212) 805-0175) may be of assistance to pro se litigants in connection with court procedures.

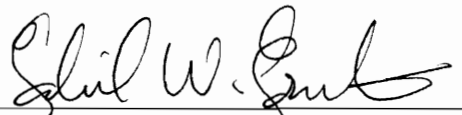
USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>4/18/12</u>

ORDER

11 Civ. 5474 (LBS) (GWG)

SO ORDERED.

Dated: April 19, 2012
New York, New York


GABRIEL W. GORENSTEIN
United States Magistrate Judge

Copy mailed to:

Michael Brennan
Reg. No. 62582-054
L.S.C.I., Allenwood
Post Office Box 1000
White Deer, PA 17887-1000

Other counsel by ECF